

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

YUKIO KUSADA,

Plaintiff,

v.

BERKSHIRE EAST SKI RESORT, UNION
TERMINAL PIERS, INC.,
Defendants,

and

NORTHFIELD MOUNT HERMON
SCHOOL,
Defendant and
Third-Party Plaintiff,

v.

TAKERU KUSADA,
Third-Party Defendant..

Civil Action No. 05-30043-MAP

THIRD-PARTY COMPLAINT

Northfield Mount Hermon School, defendant and third-party plaintiff (hereinafter "Northfield Mount Hermon"), brings this action for indemnification against Takeru Kusada, who agreed to indemnify Northfield Mount Hermon from any liability that might result from Yukio Kusada's participation in the Northfield Mount Hermon recreational alpine skiing and snowboarding program.

PARTIES

1. Northfield Mount Hermon is a Massachusetts educational institution with a usual place of business at 206 Main Street, Northfield, Massachusetts.
2. Takeru Kusada is the father of Yukio Kusada and, upon information and belief, resides at 1-8-3 Ebisu-Higashi, Naniya-ku, Osaka, Japan.

3. Yukio Kusada has filed a complaint against Northfield Mount Hermon for negligence arising out of injuries sustained by Yukio Kusada while participating in the recreational alpine skiing and snowboarding program offered by Northfield Mount Hermon.

4. Takeru Kusada agreed to save Northfield Mount Hermon harmless from any claims arising out of Yukio Kusada's participation in the recreational alpine skiing and snowboarding program offered by Northfield Mount Hermon.

5. If Northfield Mount Hermon is liable to Yukio Kusada as Yukio Kusada alleges, which Northfield Mount Hermon denies, then Northfield Mount Hermon is entitled to indemnification from Takeru Kusada.

RELIEF REQUESTED

WHEREFORE, Northfield Mount Hermon requests the following relief.

1. That this Court enter judgment for Northfield Mount Hermon against Takeru Kusada in the amount of whatever judgment may be entered against Northfield Mount Hermon in this matter plus costs and attorneys fees;

2. That this Court award Northfield Mount Hermon such other relief as may be just.

NORTHFIELD MOUNT HERMON SCHOOL
By its attorneys,

/s/ Harold W. Potter, Jr.
Harold W. Potter, Jr. (BBO #404240)
10 St. James Avenue
Boston, MA 02116
(617) 523-2700

Dated: March 28, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by first-class mail to Ronald E. Gluck, Esq., Breakstone, White-Life & Gluck, P. C., Two Center Plaza, Suite 530 Boston, MA 0-2108 and David B. Mongue, Esq., Donovan & Connor, LLP, 1330 Mass. MoCA Way, North Adams, MA 01247 this 28th day of March, 2005.

/s/ Harold W. Potter, Jr.
Harold W. Potter, Jr.